

\*\*E-Filed 5/31/05\*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NAZOMI COMMUNICATIONS, INC.,

Plaintiff,

v.

ARM HOLDINGS, PLC, et al.,

Defendants.

Case Number C-02-2521-JF (RS)

ORDER SETTING STATUS  
CONFERENCE

The judgment in this matter having been vacated and remanded by the Federal Circuit, the Court will set a status conference to discuss further proceedings. Defendants assert that the Federal Circuit did not hold that there was any substantive error in this Court's ruling, but rather stated that the ruling was not sufficiently detailed to permit appellate review; they request leave to provide proposed findings of fact and conclusions of law confirming the Court's earlier summary judgment of noninfringement. They also request a stay of the action pending issuance of a new summary judgment order in their favor.

Plaintiff asserts that the Federal Circuit opinion expressly contemplates further proceedings, such as submission of additional evidence and new competing infringement charts,

1 and that Defendants' proposed approach would be inconsistent with the Federal Circuit's  
2 instructions and would impose further needless delay. Plaintiff requests a status conference for  
3 the purpose of discussing the scheduling of a *Markman* hearing, motions, discovery deadlines  
4 and the like.

5 The Court is not inclined to reissue its prior ruling without further proceedings, but at the  
6 same time it is not persuaded that starting at ground zero as proposed by Nazomi is either  
7 necessary or appropriate. The Court requests that each party submit a detailed proposal as to how  
8 this Court should proceed on remand. Such proposal shall be filed and served on or before June  
9 7, 2005. The parties shall appear for a status conference to discuss further proceedings in this  
10 case at 10:30 a.m. on June 10, 2005.

11 IT IS SO ORDERED.

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17 DATED: 5/31/05

18 /s/ electronic signature authorized

19 JEREMY FOGEL  
20 United States District Judge  
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Copies of Order served on:

Ethan B. Andelman andelmane@howrey.com, andelmane@howrey.com

Brandon D. Baum bbaum@cooley.com

Thomas J. Friel, Jr tfriel@cooley.com, fnyland@cooley.com;prussell@cooley.com

Darren J. Gold goldd@howrey.com, hobbsw@howrey.com

Jeffrey S. Karr jkarr@cooley.com

Andrew Y. Piatniciaa piatniciaa@howrey.com,  
buccinol@howrey.com;taylorr@howrey.com;guthartg@howrey.com;guthartg@howrey.com

Sayuri K. Sharper ssharper@cooley.com,

Bernard C. Shek bshek@skadden.com